

**REMARKS**

Claims 1-7 are pending. By this Amendment, claim 1 has been amended. No new matter is added.

It is respectfully submitted that entry of the amendments is proper as the amendments will place the application in condition for allowance or at least present the claims in better form for appeal, and there is good and sufficient reason why the amendments are necessary and were not earlier presented. The amendments do not raise new issues requiring more than nominal consideration by the Examiner.

For the followings reasons reconsideration is respectfully requested.

**CLAIMS 4-7:**

It is respectfully noted that new claims 4-7 were submitted with the Amendment filed on November 22, 2006. In box 6 of the Office Action Summary, the Office Action indicates that the disposition of claims 4-7 is a rejection. However, in the main body of the Office Action, there is no mention of, let alone the reasoning for, the rejection of claims 4-7. Because of the lack of the reasoning, it is believed that claims 4-7 may not have been properly considered by the Office. Accordingly, it is respectfully requested that claims 4-7 be considered by the Office, and proper disposition of claims 4-7 be provided to the Applicants and be made of the record.

**REJECTION UNDER 35 U.S.C. §101:**

On page 3, item 4 of the Office Action, claims 1-3 are rejected under 35 U.S.C. §101 as being nonstatutory. The rejection is respectfully traversed.

It is respectfully submitted that claims 1-3 are statutory because the claims recite a recording medium comprising information that define structural and functional interrelationship between the information (such as a still picture group information and an audio group information) and a recording/reproducing apparatus to permit the information's functionality to be realized (as set forth in the Interim Guidelines for Examiner of Patent Application for Patent Subject Matter Eligibility, Annex IV, Computer-Related Nonstatutory Subject Matter, p. 53). Instead of considering the structural and functional interrelationship to permit the functionality to be realized, the Examiner simply focuses on the recitation of "information," and equates "information" as a signal. Further, the Examiner simply concludes that signals are intangible per

se and fail to produce a useful, tangible, and concrete result to render the claims nonstatutory. Applicants respectfully note that the rejection is improper.

First, the Examiner fails to provide a support for the Examiner's assertion that information is automatically a signal. Second, the Examiner fails to apply other tests that qualify the claims as statutory.

Regarding the first and second points, It is respectfully submitted that the information in the claims define structural and functional interrelationship between the information and the recording/reproducing apparatus to permit the information's functionality to be realized, in compliance with statutory requirements.

By way of example, claim 1 recite the functionality of the at least one still picture group information used by the apparatus for arranging the still pictures into a number of groups, the still picture group information including a first virtual deletion information corresponding to the one still picture used by the apparatus for virtually deleting the still picture, and the functionality of the at least one additional audio group information used by the apparatus for arranging at least one additional audio parts into a number of groups, the additional audio group information including second virtual deletion information used by the apparatus for virtually deleting the one or more of the additional audio parts. Similarly, the Examiner does not address the recited relationships in the remaining claims 2 and 3. By the recording medium that includes the information, the recording/reproducing apparatus permits the information's functionality to be realized.

Despite the above noted statutory compliance, the Examiner simply concludes information is a signal and does not apply all the tests that render the claims statutory in concluding that the claims are nonstatutory.

However, to advance prosecution, it is respectfully submitted that the claim 1 has been amended to more positively describe the recite the recording and/or reproducing apparatus for use with the data structures of the medium without narrowing the scope thereof.

For the above reasons, it is respectfully submitted that claims 1-3 are compliant with 35 U.S.C. §101 and statutory.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

**Application No. 10/756,421**

**Docket No.: 1293.1073C3**

requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: MAY 23, 2007

By: 

James G. McEwen

Registration No. 41,983

1400 Eye St., N.W.  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510